



Guidance for the Local Authority producing the hearing bundle

This guidance has been revised and is in effect from 1st April 2016.

A failure to comply with the deadline imposed for the preparation of the bundle will lead to the automatic barring of the LA from further participation in the proceedings.

It is essential for an effective hearing of the appeal for the Parties and the Tribunal Panel to have access to a well-ordered set of documents. Following the implementation of the Children and Families Act 2014, the Code of Practice requires the Local Authority (LA) in every EHC appeal to prepare what is called a 'Tribunal bundle'. In order for the Parties and Panel to have time to read through and familiarise themselves with the contents of the bundle, and prepare for the hearing, the bundle must be prepared and distributed as soon as possible, so it must be received **no later 12 noon** on the date specified in the case directions. This date will also appear in the 'Key Dates' grid at the end of the Tribunal Directions of the initial registration letter.

A failure to comply with the deadline imposed for the preparation of the bundle will lead to the automatic barring of the LA from further participation in the proceedings. A hearing will then be held at which the LA will not attend.

General principles:

1. All documents included as evidence relevant to the issues in the appeal must already have been sent to the other Party and to the Tribunal and must be included in the bundle. The LA has no discretion as to what evidence from the other party that they include in the bundle or not.
2. No document should be included twice. A document that contains amendments or annotations is a different document and should be included.
3. Copies not originals are required.
4. Documents must be complete and legible, unless the state of the original prevents this. If a copy cannot be legibly photocopied it is the LA's responsibility to attempt to obtain a better copy.

Preparing the bundle

The LA receive a copy of the appeal and supporting documents at registration. They will also have copies of every request for changes and orders issued by the Tribunal in response to the Parties in the course of the appeal. Copies of all the documents relevant to the appeal should therefore be in the LA's possession on the day set as the deadline for filing of final documentary evidence.

The LA should ensure all documents are capable of being copied legibly. These must be divided into the following categories:

- A.** Appeal documents: the notice of appeal form, the LA response, the LA decision letter, requests for changes and tribunal directions, attendance forms and submissions.
- B.** Education, Health and Care Plan with all appendices listed in Section K of the plan (if applicable).
- C.** Parents' documentary evidence, for example letters or emails, written submissions, statements from witnesses, reports or opinions, or examples of the child's work (if produced), school/college prospectus, school SEN Information report, OFSTED report and details of cost of educational placement (if applicable).
- D.** LA's documentary evidence, including letters, emails, policies, written records, information from the school file, other witness statements (if produced), school/college prospectus, school SEN Information report, OFSTED report and details of cost of educational placement (if applicable).
- E.** Working document.
- F.** If the appeal is adjourned or a rehearing following an Upper Tribunal appeal, any post hearing documents shall be included in this section.

All documents within each section must then be sorted into chronological order.

Indexing and numbering

When the documents are organised as set out above, they should be paginated in sequential order with the numbering at the top of each page, as a whole bundle. Any blank pages should also be paginated.

An index is required for the bundle as a whole identifying the parts and the individual documents within each Part. For each document the index should list;

- the bundle page number
- the title of the document
- the author of the document
- the date it was written.

The bundle should be free from the logo of those preparing the bundle and neutral in presentation.

If the bundle is not paginated or indexed in accordance with the guidance, the bundle will be returned to the LA via the method received and the Tribunal will deem this as a failure to comply with directions and will lead to the automatic barring of the LA from further participation in the proceedings.

Putting the bundles together

A bundle consists of the index and the above five parts. If at the time of preparation of the bundle the deadline for sending to the Tribunal a copy of the working document has not passed, the LA must bring a hard copy of it appropriately paginated to the final hearing along with five copies for insertion into the bundles of the Panel and Parties.

Three paper copies of the bundle will be required for both oral and paper hearings, unless submitted electronically. The copies must be double sided to reduce size and weight and fixed together using treasury tags only. Avoid ring binders, which are expensive and bulky to carry.

The copies are to be distributed by the LA as follows:

- **one copy** is to be sent to the Tribunal (for distribution to the tribunal panel members);
- **one copy** is to be sent directly to the parent/young person or the parent/young person's representative;
- **one copy** is for LA's use.

Can I send in my bundle electronically?

Yes, you need to send your email bundle to the tribunal's specialist bundle mailbox sendbundles@hmcts.gsi.gov.uk the format and numbering requires to be set out as above. The limit for attachments is 14MB (Megabytes). If the bundle is larger than this, we will not be able to receive the bundle electronically. We would advise you to split the bundle into smaller attachments and send over a number of emails, please indicate in the emails number of emails being sent (Email 1 of 3 etc). The Tribunal will then print out distribute copies to the Panel and the Parents. The Tribunal will not print a copy for the LA.

What happens if documents are submitted after the bundle is completed?

Evidence must be sent to the Tribunal and to the other party as soon as it is available and if an application is to be made for admission of late evidence, the party **MUST** take five paper copies of the evidence along to the hearing.

Parties are reminded that they must notify the other party and the Tribunal that they are planning to make an application for late evidence to be admitted and provide an electronic copy of the evidence as soon as possible in advance of the day of the hearing. The Tribunal panel will then consider the application. If the additional information is admitted, then the Tribunal Judge will identify where the documents should be added to the bundle.

Photocopying facilities at the venue cannot be guaranteed, therefore it is your responsibility to ensure adequate copies of the evidence are available to distribute to those present at the hearing.

Do I send in my working document, or bring to the hearing?

The Working document guidance specifies that the final agreed working document is to be sent to the Tribunal electronically at least 10 working days before the hearing. You must comply with this deadline. If a further revised working document is produced after that date, you must send it electronically to the tribunal and the other party and you are responsible to bring five paper copies along to the hearing. This is to allow the parties and panel to read it before the hearing.

Missing or disputed evidence

It is the LA's responsibility to resolve any issues with regards to missing or disputed evidence not included on the bundle which has been highlighted by the parent or Tribunal. Where necessary, the LA will need to supply a supplementary bundle to the Tribunal with the relevant pages which should be paginated and indexed following suit of the main bundle.

Adjourned Hearings

If the hearing is adjourned the LA shall supply an adjournment bundle containing any late evidence admitted at the first hearing and any subsequently permitted evidence in a timely manner to the tribunal and the other party at least 15 working days before the re-convened hearing or as directed in the adjournment order. This is to allow the Tribunal to distribute the supplementary bundle to the panel before the reconvened hearing.

Permission to appeal

If permission is given to appeal to the Upper Tribunal it will be the responsibility of the party bringing the appeal to produce a full copy of the hearing bundle, to include any late evidence and additional documents admitted at the hearing. A master copy of the bundle must be retained by the LA for six months.